

[Submitting Counsel on Signature Page]

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: SOCIAL MEDIA ADOLESCENT  
ADDICTION/PERSONAL INJURY  
PRODUCTS LIABILITY LITIGATION

MDL No. 3047

Case No. 4:22-03047-YGR (PHK)

This Document Relates to:  
  
ALL ACTIONS

**OMNIBUS SEALING STIPULATION RE  
JOINT LETTER BRIEF REGARDING  
PLAINTIFFS' RESPONSES TO  
DEFENDANTS' REQUESTS FOR  
PRODUCTION**

Pursuant to Civil Local Rules 7-11 and 79-5 and the Court's Order Granting Motion to File Under Seal; Setting Sealing Procedures ("Sealing Procedures Order") (ECF 341), the Parties, through their undersigned counsel, hereby submit this Omnibus Sealing Stipulation regarding the Parties' Joint Letter Brief Regarding Plaintiffs' Responses to Defendants' Requests for Production (ECF 1051). Pursuant to the Sealing Procedures Order, a temporary sealing motion was filed at ECF 1052.

The Parties declare in support of this Stipulation:

1. In accordance with Section II of the Sealing Procedures Order, entitled Post-Briefing Omnibus Sealing Procedures, the Parties have met and conferred regarding the

1 provisional redactions in the Joint Letter Brief Regarding Plaintiffs’ Responses to Defendants’  
 2 Requests for Production, originally filed at ECF 1051 (“Joint Letter Brief”).

3 2. In accordance with the Sealing Procedures Order, the attached Chart identifies  
 4 Plaintiffs’ requested undisputed redactions to the Joint Letter Brief.

5 3. Defendants do not oppose sealing this information at this juncture, and take no  
 6 position on whether sealing is warranted. Defendants do not waive, and expressly reserve, any  
 7 rights with respect to sealing that or similar information in the future if sealing it is no longer  
 8 warranted.

9 4. Plaintiffs’ proposed redactions are limited to two categories of information:  
 10 information about minors, which Plaintiffs maintain is entitled to privacy protection under  
 11 Federal Rules of Civil Procedure Rule 5.2(a); and Protected Health Information as defined by the  
 12 Parties’ Stipulated Second Modified Protective Order. (ECF 665).

13 Plaintiffs state the following:

14 1. Information about minors is broadly protected by F.R.C.P. 5.2(a). *See In re*  
 15 *FlintWater Cases*, No. 517CV10164JELMKM, 2021 WL 2254064, at \*2 (E.D. Mich. May 20,  
 16 2021) (private medical information of the Bellwether Plaintiffs, identifying information of  
 17 minors, and addresses of minor Plaintiffs, all is appropriate to redact and/or seal).

18 2. Protected Health Information (“PHI”): “has the meaning set forth in 45  
 19 C.F.R. §§ 160.103 and 164.501...and includes but is not limited to individually identifiable health  
 20 information, including demographic information, relating to either (a) the past, present, or future  
 21 physical or mental condition of an individual; (b) the provision of health care to an individual...”  
 22 Stipulated Second Modified Protective Order. ECF No. 665.

23 3. In *A.C. v. City of Santa Clara*, No. 13-CV-03276-HSG, 2015 WL 4076364,  
 24 at \*2 (N.D. Cal. July 2, 2015), Judge Gilliam found that when it comes to medical records,  
 25 “compelling confidentiality concerns outweigh the presumption of public access to court  
 26 records.” *See Dalton v. Cnty. of San Diego*, No. 3:21-CV-2143 W (WVG), 2024 WL 1319719, at  
 27 \*1 (S.D. Cal. Mar. 27, 2024) (to the extent the exhibits identify a minor and implicate her  
 28 criminal and mental health history, the documents may be sealed.); *San Ramon Reg’l Med. Ctr.*,

1 *Inc. v. Principal Life Ins. Co.*, No. 10-cv-02258-SBA, 2011 WL 89931, at \*1 n.1 (N.D. Cal. Jan.  
 2 10, 2011) (finding that confidentiality of medical records under the Health Insurance Portability  
 3 and Accountability Act of 1996 outweighed *Kamakana* presumption in favor of public access to  
 4 court records); *Ballou v. McElvain*, No. 3:19-CV-05002-DGE, 2023 WL 8236530, at \*2 (W.D.  
 5 Wash. Nov. 28, 2023) (concluding that there is great need to protect sensitive medical  
 6 information from public disclosure such as plaintiff's mental state, including mental health  
 7 symptoms). *See also Liaw v. United Airlines, Inc.*, No. 19-CV-00396-WHA, 2019 WL 6251204,  
 8 at \*10 (N.D. Cal. Nov. 22, 2019) (private medical records sealed under higher 'compelling  
 9 reason' standard); *Pratt v. Gamboa*, No. 17-CV-04375-LHK, 2020 WL 8992141, at \*2 (N.D. Cal.  
 10 May 22, 2020) ('compelling reasons' justify sealing Plaintiff's medical records which are deemed  
 11 confidential under the Health Insurance Portability and Accountability Act of 1996); *Bruce v.*  
 12 *Azar*, 389 F. Supp. 3d 716, 727 (N.D. Cal. 2019), *aff'd*, 826 F. App'x 643 (9th Cir. 2020) (courts  
 13 have found under 'compelling reason' standard that a party's privacy interests in medical records  
 14 and private information outweigh the public's interest in access.); *Woods v. City of Hayward*, No.  
 15 19-CV-01350-JCS, 2021 WL 4061657, at \*20 (N.D. Cal. Sept. 7, 2021) (to the extent proposed  
 16 redactions are based on medical privacy, privacy interests related to juvenile correctional records,  
 17 or the privacy protections of Rule 5.2, plaintiff has shown 'compelling reasons' to maintain that  
 18 material under seal and his requests are narrowly tailored).

19 4. PHI, which is already subject to the Stipulated Second Modified Protective  
 20 Order, should remain sealed in the Joint Letter Brief, including the Defendants' narratives about  
 21 specific Bellwether Plaintiffs detailing specific "past, present, or future physical or mental  
 22 conditions" and "the provision of health care." *See* ECF No. 665. The names and the parents'  
 23 names of minor plaintiffs should also remain sealed in accordance with F.R.C.P. Rule 5.2(a). The  
 24 Plaintiffs, all of whom were allegedly injured as minors, should be protected from any potential  
 25 embarrassment resulting from having their PHI linked to their identities as recognized by this  
 26 Court and well-established Ninth Circuit precedent.

27 THEREFORE, in accordance with the Sealing Procedures Order, Plaintiffs respectfully  
 28 request that the Court accept Plaintiffs' requested redactions to the Joint Letter Brief Regarding

Plaintiffs' Responses to Defendants' Requests for Production (ECF 1051) as set forth in the attached Chart and the duly submitted Proposed Order Addressing All Undisputed Sealing Requests emailed to the Court's proposed order inbox.

Docket No.	Proposed Redaction	Basis for Redaction	Sealing Previously Sought
ECF 1052-1	Page 13, from after "Request No. 32:" to before "• Request No. 33."	Plaintiff's protected health information	No
ECF 1052-1	Page 13, from after "Request No. 33" to before "• Request No. 34."	Confidential information about minor plaintiff	No
ECF 1052-1	Page 13, from after "Request No. 34" to before "• Request No. 66."	Plaintiff's protected health information	No
ECF 1052-1	Page 13, from after "Request No. 66" to before "Plaintiffs next argue . . ."	Plaintiff's protected health information	No
ECF 1052-1	Page 13, text of Footnote 4	Footnote to discussion of minor plaintiff's protected health information	No
ECF 1052-1	Page 16, final paragraph, from after "such discovery" to the final word.	Refers to protected health information on Page 13	No

**IT IS SO STIPULATED AND AGREED.**

1 DATED: August 27, 2024

Respectfully submitted,

2 By: /s/ Previn Warren

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